

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16-CV-00704-PJK-WPL  
No. 11-CR-03108-PJK

JEROME YAZZIE,

Defendant.

**ORDER**

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's 28 U.S.C. § 2255 Motion to Vacate Sentence [CV Doc. 1; CR Doc. 194] and *pro se* Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody [CV Doc. 3; CR Doc. 195], which the Court will construe as supplement to Defendant's initial § 2255 motion. The Court will direct the United States to answer Defendant's motions.

Also before the Court is Defendant's Motion for Appointment of Counsel in 2255 Proceeding [CV Doc 4; CR Doc. 196], which requests "appointment of counsel in the 2255 proceedings." Defendant's Motion for Appointment of Counsel will be denied as moot, since CJA counsel already has been reappointed to represent Defendant, in accordance with the Administrative Order In the Matter of Representation in *Johnson v. U.S.*, 576 U.S. \_\_\_, 135 S. Ct. 2551 (2015) Cases, 16-MC-00004, Doc. 19 (D.N.M. March 25, 2016). [CR Doc. 193]

IT IS HEREBY ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's 28 U.S.C. § 2255 Motion to Vacate Sentence [CV Doc. 1; CR Doc. 194] and Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By a Person

in Federal Custody [CV Doc. 3; CR Doc. 195], together with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three days of entry of this Order, the United States answer Defendant's § 2255 motions;

IT IS FURTHER ORDERED that Defendant's Motion for Appointment of Counsel in 2255 Proceeding [CV Doc 4; CR Doc. 196] is DENIED as moot.

  
UNITED STATES MAGISTRATE JUDGE